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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEROY JONES OIA 1692

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

AMENDED  
COMPLAINT

under the Civil Rights Act,  
42 U.S.C. § 1983

Commissioner Brian Fischer, et al.  
Supr. William Connolly; Capt. Harris; Lt. Glasspole,  
Lt. T. Gaudioso; Sgt. Wagner; Sgt. Cafield; C.O. O'Neil Jury Trial: ☐ Yes ☐ No  
C.O. Stevens; C.O. ABRAHAM; C.O. Tolentino; (check one)  
C.O. V. Sullivan; C.O. J. Toper; C.O. T. Raposa;  
C.O. Sackeo; C.O. Green; ~~C.O.~~ Nurse, Wallace 13 Civ. 2185 (KPF)  
Sgt. Edward Medulick; Lt. Edward Sablinski,  
C.O. Dandre Dimmie; C.O. Sanko; C.O. W. Henriquez

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name LEROY JONES  
ID# OIA 1692  
Current Institution Southport Correctional Facility  
Address Southport Correctional Facility, P.O. Box 2000  
Pine City New York 14871-2000

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Commissioner Brian Fischer Shield # \_\_\_\_\_  
Where Currently Employed Albany, D.O.C.C.S.  
Address STATE OF NEW YORK, D.O.C.C.S., The Harriman  
STATE campus-Building 2, 1220 Washington AV. Albany NY  
12226-2050

Defendant No. 2 Name Supt. William Connolly Shield # \_\_\_\_\_  
 Where Currently Employed Fishkill Correctional Facility  
 Address Fishkill Correctional Facility, P.O. Box 307  
Beacon N.Y 12508-0307

Defendant No. 3 Name Capt. Harris Shield # \_\_\_\_\_  
 Where Currently Employed Fishkill Correctional Facility  
 Address Fishkill Correctional Facility, P.O. Box 307  
Beacon N.Y 12508-0307

Who did  
what?

Defendant No. 4 Name LT. Glasspole Shield # \_\_\_\_\_  
 Where Currently Employed Fishkill Correctional Facility  
 Address Fishkill Correctional Facility, P.O. Box 307  
Beacon N.Y 12508-0307

Defendant No. 5 Name LT. T. Gaudioso Shield # \_\_\_\_\_  
 Where Currently Employed Fishkill Correctional Facility  
 Address Fishkill Correctional Facility, P.O. Box 307  
Beacon N.Y 12508.

See Attached For Others  
Defendants  
Page (20)

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?  
Fishkill Correctional Facility, P.O. Box 307 Beacon N.Y 12508.

B. Where in the institution did the events giving rise to your claim(s) occur?

In 21-21A Building

C. What date and approximate time did the events giving rise to your claim(s) occur?

From February To October, From The Threats, Harassment, Retaliation, Assault, All The Way To denied Medical care. This All happen in 2012. From February 2012 To October 2012.

D. Facts: The beginning of February 2012 The plaintiff Filed  
grievances # 35040-12 Which Was Consolidated With Three  
Other complaints DATED February, 9th, 10th, and 15th of 2012.  
Which Tell About the plaintiff Fears For his Life and Safety

What  
happened  
to you?

Defendant No. 6. LT. Edward Sablinski  
Employed AT; Fishkill Correctional Facility  
Address: Fishkill Correctional Facility,  
P.O. Box 307, Beacon N.Y. 12508-0307

Defendant No. 7. Sgt. Edward Madewick  
Employed AT; Fishkill Correctional Facility  
Address: Fishkill Correctional Facility,  
P.O. Box 307, Beacon N.Y. 12508-0307

Defendant No. 8. Sgt. Wagner  
Employed AT; Fishkill Correctional Facility  
Address: Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y. 12508-0307

Defendant No. 9. Sgt. Cofield  
Employed AT; Fishkill Correctional Facility  
Address: Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y. 12508-0307

Defendant No. 10. C.O. P. O'Neil  
Employed AT; Fishkill Correctional Facility  
Address: Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y. 12508-0307

Defendant No 11. C.O. WALLESCA HENRIQUEZ

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 12. C.O. STEUENS

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 13. C.O. ABRAHAM

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 14. C.O. TALENTINO

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 15. C.O. DANDRE DIMMIE

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 16, C.O. V. SULLIVAN

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 17, C.O. J. Taper

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 18, C.O. T. RAPASA

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 19, C.O. James Sanka

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307

Defendant No 20, C.O. GREEN

Employed AT; Fishkill Correctional Facility  
Address; Fishkill Correctional Facility  
P.O. Box 307, Beacon N.Y 12508-0307  
(2C)

Defendant No. 21 NURSE WALLACE  
 Employed at; Fishkill Correctional Facility  
 Address; Fishkill Correctional Facility  
 P.O. Box 307, Beacon N.Y 12508-0307

Defendants are sued in his/her individually and official capacity. At all time mentioned in this complaint each defendant acted under the color of state law,

Defendant(s) herein are being sued in his/her own individual and official capacity for exercising a lack of care and being negligent and deliberate indifference to Plaintiff safety by failing to protect the knowingly and foreseeable attacks, harassments, threats and assaults to Plaintiff that they was aware of at all times.

Defendants are liable for there failure to make a policy that would keep Plaintiff and other inmates safe. After the filing of complaints or take actions to prevent the predictable violations of Plaintiff and other inmates rights within there areas of care and responsibility.



At The hands of STAFF, see Exhibits (1) (2), From February 9<sup>th</sup>, 10<sup>th</sup>, and 15<sup>th</sup>, Plaintiff Filed grievance on C.O O'Neil And other officers ~~one~~ named as his girlfriend which her name C.O. HENRIQUEZ, And other officers, Sgt. and Lt. The complaints about C.O O'Neil Threats To Plaintiff Life And Safety Was Not Taken With Care For Plaintiff Safety, And The harassment, Threats, Retaliation, And Assault Continue. On 2/17/12 Plaintiff Was move To The main Building By Lt. Buonato because he knew Plaintiff Safety With C.O O'Neil Would be in danger because C.O O'Neil Was The Steady K-unit housing officer At That Time. On 4/2/12 Plaintiff Was moved back To 21, 21A building, Which Was Alright Until C.O O'Neil came up There And Told The Steady officers on A-West That Plaintiff Filed grievance on him. On 7/12/12 Plaintiff had To File 1<sup>st</sup> grievance, see Exhibit (3), Plaintiff asked for protection because he feared his life and safety was in great danger. On 7/13/12 Plaintiff asked to talk To The O.M. H Nurse... See Attached

Was anyone else involved?

Who else saw what happened?

See Attached on going To page (38)

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Plaintiff Neck, Back, Arms, Legs, And head WAS injured in The ASSAULT by officers And After The Assault Plaintiff didn't get medical treatment And was force To Be in pain And without treatment For weeks While The Defendants) Tried To cover ~~up~~ up The injury To Plaintiff by not giving him medical treatment, The medical record will show the injuries And The lack of medical care That Plaintiff didn't get, but injuries To Plaintiff Back, arms, shoulders, neck, knees, head, knees

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

ATTACHED FACTS CONTINUE FROM PAGE (3)

AND LET THEM KNOW HIS LIFE AND SAFETY WAS IN A LOT OF DANGER. AFTER TALKING TO PLAINTIFF THE OMH NURSE CALL SGT. SHITTIS WHOM TALK TO PLAINTIFF THEN HAD HIM MOVED BACK TO 21A BUILDING K-UNIT, SGT SHITTIS TOLD PLAINTIFF BEFORE HE MOVED THAT C.O O'NEIL NO LONGER WAS THE STEADY OFFICER ON K-UNIT, SO PLAINTIFF WAS SO MOVED THAT DAY BACK TO K-UNIT.

- 2). ON 7/26/12 PLAINTIFF WAS IN THE MESS HALL AFTER BREAKING HIS FAST FOR RAMADAN, PLAINTIFF HAD SEEN C.O O'NEIL AND C.O HENRIQUEZ ALONG WITH SGT. COFIELD, AND C.O STEVENS MANY TIMES IN THE MESS HALL WHEN HE WAS EATING AFTER BREAKING HIS FAST, AND THEY WOULD BE TALKING AND LOOKING MY WAY, BUT WOULDN'T DO ANYTHING AT THAT TIME.
- 3). ON 7/25/12 AS ~~PLAINTIFF~~ PLAINTIFF WAS LEAVING THE MESS HALL AFTER EATING, C.O HENRIQUEZ TOLD PLAINTIFF "YOU WILL GET YOURS 1985 HOLD," PLAINTIFF KEPT WALKING NOT SAYING ANYTHING.
- 4). THE NEXT DAY 7/26/12 AFTER EATING ONCE THE FAST HAD ENDED, PLAINTIFF WAS WALKING OUT OF THE MESS HALL WHEN C.O O'NEIL TOLD HIM TO GET ON THE WALL, AND AFTER ALL THE OTHER INMATES WAS OUT AND HAD GONE BACK TO THE MOSQUE, C.O O'NEIL STARTED HIS ASSAULT ON THE PLAINTIFF BY PUNCHING HIM IN THE HEAD



Back, NECK And Side, This officer pushed The plaintiff body to The wall A few times Really hard hitting his shoulders And head Against The wall. Officer O'neil Also spit in plaintiff face And Was telling him "Nigger Will kill you in here, And if you write any more complaint About me Will make you pay!"

5.) Plaintiff Was in Fear For his life so he didn't Report ~~it~~ That night, but The pain From The Assault Was so bad That plaintiff put in For sick call so he could get help And Report The Assault by officer O'neil on 7/26/13.

6.) Plaintiff Went to sick call on 7/27/13 The Next day And informed The nurse of what happen but she Refused to give me any help After I Told her The officer That Assaulted me.

7.) Plaintiff Filed A complaint on That nurse For not given him medical treatment, A few days Later A Doctor came And investigated plaintiff complaint on The lack of medical treatment by That nurse. on 8/2/12 plaintiff Was taken to The hospital by A Sgt. And A C.O. to be Evaluate my medical because of The Assault by C.O. O'neil on 7/26/12.

8.) The same nurse That plaintiff saw at sick call on 7/27/12 Tried to tell The Sgt That plaintiff did not inform her of The Assault, The plaintiff informed

The Sgt. Right Then That he Told The nurse everything that happen on 7/26/12 but she Would not treat him, And plaintiff Filed A complaint on This nurse For her lack of care.

- 9). Also on 8/2/12 plaintiff Was Issued A Misbehavior Report in violation of DOCCS Rules And regulation by C.O O'Neil And endorsed by Sgt Edward medwick And Teared by LT. Edward Sablinski.
- 10). These employees O'Neil, Edward medwick, And Edward Sablinski Together conspired to harass, retaliation, And keep plaintiff in fear for his safety;
- 11). Plaintiff, With his life and safety in danger Filed A complaint on The violation of Dir. 4040 701.6(B) on C.O O'Neil And The unknown at The time Sgt And Lt. That Endorse And Teared The misbehavior report That That C.O O'Neil Write.
- 12). Plaintiff Also wrote letters to DOCCS Commissioner And to Rishkill Correctional Facility Supt, letting Them know That he needed protective custody From These officer because they was going to kill him or set him up.
- 13). on 8/10/12 The plaintiff Filed A complaint again because The lack of An investigation, complaint number 85508-12, "stating That There Was A Sgt. And Lt. That's helping This C.O O'Neil retaliation And harass,

And even keep him in Fear for his safety,  
 It can't be said that The Sgt. and Lt. didn't  
 do this misbehavior report was in violation of  
 DCC's own rules and regulation, Dir 4040 701.6(B).  
 It was clear from the face of the misbehavior report  
 that it was reprisal.

- 14). plaintiff wrote the complaint on C.O. O'Neil on  
 8/10/12 which was a Friday and that Monday after  
 that on 8/13/12 the plaintiff was beat up by officers  
 in Fishkill because of the complaints he had filed.
- 15). In the complaint on 8/10/12 the plaintiff asked  
 that the Sgt. and Lt. be identified so they will  
 be told they violated DCC's own rule and regulation.
- 16). plaintiff was set-up and beat up before he could  
 hear the names of the Sgt. and Lt. which they  
 are known now as Lt. Edward Sablinski and Sgt. Edward Medwick.
- 17). Plaintiff was on his way to the masjid on 8/13/12  
 to break his fast, before plaintiff could get to the door  
 of the masjid he was stopped by C.O. Stevens which  
 told him to get on the wall so he can be pat  
 frisk, plaintiff did as he was told but knowing  
 something was wrong because plaintiff seen C.O.  
 Henriquez standing in the stair ways too the mess  
 hall, as plaintiff was on the wall with his hands  
 high.
- 18). As the plaintiff was on the wall he notice that

C.O. Stevens was taken alot of time to start the Pat Frisk, so Plaintiff looked off his peripheral an notice C.O. Stevens pulling something out of his shirt, and all at once C.O. Stevens put what is said to be a weapon up to Plaintiff and said "you like to write up officers now this is yours."

19). The C.O. told the weapon to his right which in the test hearing he lied and said he put it to his left, and he kicked the plaintiff in the back of his leg sending the plaintiff to the wall, after punching the plaintiff in the back of the head and neck, then pulling plaintiff hands around his back putting handcuffs on plaintiff and then pushing plaintiff to the floor as he kicked plaintiff in the side, back, head, leg, arms and shoulder, all this was happen and C.O. Abraham and C.O. Tolentino was holden plaintiff down and hitting and punching plaintiff as well, and both C.O. Abraham, and Tolentino kneed and punch plaintiff in the head, neck, and side and saying things like "you never write complaints on officers here again".

20). As this beaten was taken place plaintiff could hear C.O. Wallacea Henriquez tell those other officers C.O. V. Sullivan, and C.O. T. Raposa,

To hold plaintiff legs open and they did and all at once C.O. Wallerica Henriquez kicks plaintiff in the groin so hard that plaintiff cried out in so much pain he knew he would die.

21). The Kick to the groin by C.O. Wallerica Henriquez was so hard that plaintiff defecated on himself, the Sgt. and the other officers looked on and was laughing.

22). The Sgt. told the officer to get plaintiff up and take him to p-unit, as C.O. Sullivan and C.O. Raposa was taken plaintiff to p-unit they was slamming plaintiff to the wall, driving plaintiff head, shoulders, and back into the wall all the way to p-unit and Sgt. Wagner was right there saying "This is was you all get that file complaints on officer,"

23). Plaintiff was beat up RIBA by C.O. Taper in the search room, where there was video tape, but when plaintiff asked for the tape to show he was beat up, the hearing capt. Harris had the video tape destroy and told plaintiff that no one would ever see that tape.

24). As plaintiff was being beat up really bad and Sgt. Wagner, C.O. O'Neil, and C.O. Wallerica Henriquez which is C.O. O'Neil girlfriend stood there laughing.



C.O. WALLACEA HENRIQUEZ AND C.O. O'NEIL  
plain had worked in setting plaintiff  
up for filing the complaints on them and  
other officers, plaintiff looked up to  
Sgt Wagner and asked him is he going to  
let this happen, Sgt Wagner stated "This  
is what you get."

25) ALSO Sgt Wagner would not allow nurse  
Wallace to give plaintiff medical treatment  
and the medical record will show that nurse  
Wallace refused to treat plaintiff so his injuries  
would not be recorded.

26) plaintiff told the nurse about the pain to his  
back, neck, arms, legs, shoulders, and head, and also  
that he had been kicked in the groin by a C.O.  
and had defecated all over himself.

27) Nurse Wallace just walked away and plaintiff  
layed in pain on the floor that whole night and days after.  
plaintiff didn't get any medical treatment  
which will be shown from the medical records  
and the filing of more complaints by plaintiff.

28) plaintiff informed Capt Harris that officer on p-unit  
was threaten his life and safety, and Capt Harris  
stated "you should have step written all them complaints".

29) plaintiff also told Capt Harris in his year III  
hearing that there same officer was also threatening



And harassing his witnesses and telling them that if they testify for Plaintiff they would get the same thing Plaintiff got.

- 30) Plaintiff two witnesses didn't testify for fear of their life and safety and the inmate stated his fears on a Refuses Form and Plaintiff will show this at trial.
- 31) The P-unit floor officer would come to the Plaintiff cell and tell him he could die in here and if he keeps these complaints going he'll make sure he would.
- 32) on 8/31/12 Plaintiff told the hearing officer Capt. Harris about the threats from this officer, and the capt. told Plaintiff, "you need to learn you can't write complaints and look for things to be easy."
- 33) Lt. J. Gaudioso came and told Plaintiff to forget about the Lt. and the Sgt. that endorsed and signed the misbehavior report that C.O. O'Neil had wrote in violation of DOC's rules, and he stated that if I don't leave it alone Plaintiff wouldn't eat, or shoulder nor be safe.
- 34) Plaintiff stopped Supt. Connelly on P-unit and told him that his life is still in danger here on P-unit, he stated to Plaintiff, "maybe your learn now."

- 35) C.O Dandre Dimmie is The C.O That order Plaintiff not to go to The masjid until 7:00 pm, And Told The Plaintiff That he Would make sure he pay for Written complaints on officer here, And at The Time Plaintiff Was being beat up like a dog, Officer Dandre Dimmie Was There With C.O Wallasca Henriquez laughing and saying to The other officer, "Beat his ass, Beat The hell out of Him",
- 36) Sgt. CoField Told Plaintiff After The assault on 7/26/12 That if his name come up in any complaints he Would make sure plaintiff never makes it home And if he (Plaintiff) don't stop written These complaints he can make sure of his death.
- 37) C.O green Who Worked K-unit on 8/13/12 gave Plaintiff Property away And destroyed some, Officer green Also destroyed some of Plaintiff Family pictures All in retaliation For Plaintiff Filing complaints.
- 38) C.O James Sanka Would not feed Plaintiff AT Times he Worked P-unit and if he did he Would put Thing in Plaintiff Food That look like trash And spit, Plaintiff Filed complaints on C.O James Sanka For This and was letting plaintiff clean his cell or let Plaintiff get law library to work on his case.

- 39) C.O. James Sanka and C.O. Henriquez destroyed Plaintiff Property on P-unit. Plaintiff Property was moved on 8/14/12. Both of these officers came by Plaintiff cell on P-unit laughing and saying "lets see you type now," at the time the Plaintiff didn't understand what they was talking about until he got to Southport Corr Fac. and seen his property destroyed.
- 40) Lt. Glasspole had threatened to harm Plaintiff once before and Plaintiff filed a complaint on him when he was a Sgt. but now he is a Lt. and endorsed the Year III misbehavior report on 8/13/12 then came to Plaintiff cell on P-unit and told Plaintiff "I got you now, I never forget you wrote me up and I have you now and lets see you write this up", Plaintiff told Lt. Glasspole "your set up will not work and you spent 2 1/2 years or so to set me up", Lt. caught and walked away.
- 41) All these defendants violated Plaintiff (Leroy Jones) right under 18 USC Section 241, and 242 conspiracy by two or more person conspire to injure and intimidate.
- 42) Plaintiff rec alleges and incorporates by reference paragraphs from 1 to 42 and the hold amended complaint from page 1 to 7 and all attached pages.

(35)

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Fishkill Correctional Facility

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☐

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

AT Fishkill Correctional Facility

1. Which claim(s) in this complaint did you grieve?

PLAINTIFF grieved ALL parts of this complaint to the I.G.R.C. Office and wrote letters to Supt. and Commissioner.

2. What was the result, if any?

They answered but wasn't anything done to stop the threats, harassment, retaliation, and assaults by officers in K.C.F.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

I appealed my grievance to the Superintendent and after that to C.I.R.C. and no one did anything to help or stop the retaliation, harassment, threats, or assaults, and I was not able to get medical treatment and C.I.R.C. stated, "There's no P.I.C. or separation from staff..."

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

## EXHAUSTION OF ADMINISTRATIVE REMEDIES.

1. PLAINTIFF EXHAUSTION OF ALL SECTIONS OF THE DOCCS, I & RC, SUPERINTENDENT CANNALLY, LETTERS TO THE DOCCS COMMISSIONER BRIAN FISCHER, AND THE INSPECTOR GENERAL RECEIVED LETTERS, AND APPEALS ALL THE WAY TO CORC, GRIEVANCE NUMBERS AND DATES, 35040-12 2/13/12, 35428-12 7/13/12 RETALIATION & RACIAL SLURS, 35508-12 7/18/12 DISPUTES INVESTIGATION; 35500-12 8/8/12 INTIMIDATED BY SGT, 33520-12 8/16/12 RETALIATION, 33593-12 9/27/12 COMPLAINTS NOT ANSWERED, 35605-12 10-3-12 WITNESSES THREATEN, 35604-12 10/3/12 NO MEDICAL ATTENTION, 35520-12 8/16/12 ASSAULT, 35496-12 8/8/12 RETALIATION, 35495-12 8/8/12 DELAY TO SEE DOCTOR, 35623-12 10/16/12 PROPERTY DESTROYED BY OFFICERS, 35625-12 10/16/12 RETALIATION, 35624-12 10/16/12 FOIL, 35622-12 DEPRIVED LAW LIBRARY, 35546-12 STAFF MISCONDUCT, 35945-12 MEDICAL CARE.
2. The plaintiff got answers from some of the complaints from CORC.
3. The plaintiff got a answer back from the commissioner of DOCCS BRIAN FISCHER.



4. The Plaintiff did talk to The Superintendent of Fishkill Correctional Facility, but he told Plaintiff to just stop filing complaints, and The Inspector general office came to see Plaintiff about The matter at Southport once it was taken.
5. The plaintiff asserts here that there was witnesses to the incident "STAFF and inmates" that know of the threats and assault to Plaintiff.
6. STAFF AND INMATES was and is still willing to testify in plaintiff's behalf and there were other witnesses denied by Defendant(s) ~~and~~ and others refused for fear of their safety.
8. The Plaintiff asserts that there will be witnesses to testify at trial, but for their protection their names are being withheld for their protection, because these witnesses are DOC employees as well as inmates and to put their name in this complaint now would put the employees' jobs in danger and as for the inmates it may put their safety in danger.



2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

Plaintiff informed V. Fonda The Inspector general, Lt. Bonato, OMH at Fishkill, and The Dept. Commissioner. Lt. Bonato move me once but other than that no one did anything and that's why those officers felt they could do what they did and could get away with it.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote D.O.C.'s Commissioner Brian Fischer, Superintendent of Company, I.G. and many grievance asking for help. I told the Supt. Canally that his officers was going to kill me, set me up or hurt me really bad if he didn't help me or put me somewhere safe. I also informed Brian Fischer of these things in letters and I.G.'s office, and after I was beat up really bad I and a lawyer informed the Supt. that the medical department would not give me medical treatment after the first assaulted out of two assaults.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

#### V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

See Attached  
page (5A) 100 (56)

And pages 1 to 7 beginning to End

## JURISDICTION AND VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of right secured by the constitution of the United States. This court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (A)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202, and a permanent injunction, compensatory damages, monetary damages, punitive damages and Plaintiff claims for injunctive relief are authorized by 28 USC Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The Southern District is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

## PLAINTIFF

Plaintiff, Leroy Jones Pro-se, is and was at all times mentioned herein a prisoner of the state of New York in the custody of the New York State Department of Correctional Services. I am currently confined in Southport Correctional Facility.

## Legal Claim And Relief

1. Plaintiff realleges And incorporates by reference Paragraphs From Page one To Seven (1 To 25), And 1 To 7
2. The unprovoked beating and set-up because plaintiff filed complaints on the wrong doings of officers in Fishkill, violated plaintiff due process rights which is protected by the Eighth Amendment, 14<sup>th</sup> Amendment, and upheld by the US Constitution which is against cruel and unusual punishment.
3. Each defendant herein is being sued in his/her individual and official capacity for exercising a lack of care and being negligent and deliberate indifference to plaintiff safety by failing to protect the known and foreseeable assault, attack, and further retaliation, harassment, and threats that DOCCS and its staff was aware of at all times.
4. At all times mention in this complaint, Each defendant acted in his and her on individual and official capacity and each acted under the color of state law.

5. Defendant(s) are liable for there failure to make a policy that would have protected plaintiff and other inmates from the harassment, threats, ~~the~~ retaliation, and assaults from officers/staff after the filing of complaints on them for there misconduct, and defendants are also liable for not taking actions to prevent predictable violations of the rights to plaintiff within there areas of care and responsibility.

6. Defendants at all times herein are employees of the State of New York DOCS and act under the color of law Title 18 USC Section 242, and 241, violated Leroy Jones (plaintiff) right to be free from retaliation, and the violation of plaintiff First Amendment rights under the United States Constitution.

7. The retaliation against plaintiff (Leroy Jones) in violation of Title 18 USC Section 1001(A), after plaintiff had exercised his right to petition the government for a redress of grievances, violated plaintiff First Amendment for a redress of his complaints to the courts and is a violation of the United States Constitution, within the due process which is upheld by the NY Constitution.

8. The defendants Failure to Prevent The brutality inflicted on plaintiff (Leroy Jones) violates his First, Eighth, And 14th Amendment to due process of The United States Constitution.
9. The defendants along with others conspired under 18 USC Section 241, to further violated plaintiff (Leroy Jones) Rights under The First, Eighth, And Fourth, And 14th Amendment under The Due process of Law clause to The United States Constitution.
10. Defendants did intentionally use excessive force to cause physical and emotional injuries maliciously and sadistically to hurt or kill plaintiff (Leroy Jones) for his exercising his First, Fourth, Eighth, And 14th Amendment rights to Due process of Law under The United States Constitution, see conspiracy, 1558, 18 USC § 241
11. The defendants violated plaintiff (Leroy Jones) Rights under 18 USC Section 241, and 242 conspiracy by Two or more Person conspire to injure and Intimidate.
12. The Plaintiff further alleges and incorporates by reference paragraphs 1 to 25 And pages 1 to 7

13. The Plaintiff has no plain, adequate or complete remedy at law to redress the wrong described herein.
14. WHEREFORE, Plaintiff respectfully pray that this court enter a judgment granting plaintiff:
15. A declaration that the acts and omissions described herein violated plaintiff First, Fourth, Eighth, and Fourteenth Amendment Rights under the constitution laws of the United States constitution, and the laws and rules of DOCCS, and violates the due process of New York constitution along with the United States constitution.
16. A permanent injunction ordering that order the Commissioner of DOCCS Brian Fischer to make a adequate remedy for plaintiff and other inmates to be safe from harassment, retaliation, threats, and assaults by officers/staff once a complaint(s) are filed.
17. A permanent injunction ordering a law and rule in place other than 4040 701.6 (B) which did not protect plaintiff and has not protected other inmates and allow officers/staff to keep retaliating, harass, threats, and assaults and set-ups on plaintiff and others.



18. A Permanent injunction ordering The commissioner of DCCOS Brian Fischer to make a remedie for plaintiff to go too when his and other inmates lives are in danger by officers that complaints has been Filed on for there misconduct, And Not Just let plaintiff and other inmates Be subjected To The Further danger of being set-up, beat-up, Assaulted or even killed because he/she can't get away From The vindictive hands of The officers.
19. A Permanent injunction ordering The defendant commissioner Brian Fischer to place camera's in all parts of The Facility under his responsibility as commissioner of DCCOS, This would help to insure That plaintiff and other inmates Will be safe from some of The set-ups, some of The Beat-ups, some of The Retaliation's, harassment and All of The other Vindictiveness That comes when it Not Seen.
20. compensatory damage in The Amount of Ten Million Dollars \$10,000,000.00 Against Each defendant, Jointly and severally.  
 Plaintiff (Leroy Jones) should be compensated for The Pain and mental anguish suffered by defendants due To There negligent, deliberate indifference and

Intentional misconduct because PLAINTIFF exercised his rights under The First Amendment to redress The government, And because PLAINTIFF (Leroy Jones) Exercised his rights, The defendants violated PLAINTIFF other rights Fourth, Eighth, And 14 Teenth Amendments, And Therefore Punitive And monetary damages should also be granted for plaintiff.

21. Punitive damages in The amount of Two million Dollars \$ 2,000,000.00 Against each defendant Jointly And Severally,
22. monetary damages in The amount of one million Dollars \$ 1,000,000.00 Against each defendant Jointly And Severally,
23. A Jury Trial on all issues Triable by A Jury.
24. PLAINTIFF cost in This suit
25. Any Additional Relief This Court deems Just, proper And equitable,

Dated; August 15, 2013

(56)

Respectfully submitted  
 LEROY JONES PRO-SE  
 Leroy Jones  
 Southport Court Fac.  
 P.O. Box 2008  
 Pine City 14871-2008

On  
these  
claims

## VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

## 1. Parties to the previous lawsuit:

Plaintiff Leroy Jones 01A1672Defendants Supt. HERBERT, et al.,2. Court (if federal court, name the district; if state court, name the county) WESTERN DISTRICT OF NEW YORK3. Docket or Index number 02-CU-0847E(F)4. Name of Judge assigned to your case Leslie G Foschia5. Approximate date of filing lawsuit 2002-20026. Is the case still pending? Yes ☐ No ☒If NO, give the approximate date of disposition around 207. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Judgment was sciltle in my FavorOn  
other  
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ☒ No ☐

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

## 1. Parties to the previous lawsuit:

Plaintiff LEROY JONESDefendants STATE OF CLAIMS, STATE OF NEW YORK2. Court (if federal court, name the district; if state court, name the county) ALBANY COUNTY COURT3. Docket or Index number 122552 AND 1225534. Name of Judge assigned to your case RICHARD E. SISE5. Approximate date of filing lawsuit ABOUT APRIL 29, 2013

6. Is the case still pending? Yes ☒ No ☐  
If NO, give the approximate date of disposition \_\_\_\_\_
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15 day of AUGUST, 2013.

Signature of Plaintiff

Leroy James

Inmate Number

01A-1692

Institution Address

SOUTHPORT CORR. FAC

P.O. BOX 2000

PIKE CITY 14871-2000

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 15 day of AUGUST, 2013, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Leroy James

EX(2)

1052

CONSOLIDATED

FCF-35040-12

This complaint is an officers  
 ONiel and his friends officers  
 That's trying to kill me or set me up.

LE Roy Jones OIA 1692  
 K-unit  
 2/15/2012

ON 2/9/2012 TWO INMATES  
 WAS SEARCHED here on K-unit by OFFICER ONIEL and  
 some other officer. When the two inmates came  
 back from taken pictures OFFICER ONIEL told them  
 That they was being search because someone dropped  
 A slip on them saying they was selling drugs.  
 Then as the inmates told me this writing OFFICER  
 ONIEL told them That Jones drop The slip on you  
 saying you both are selling drugs.

The inmates are not lying because OFFICER  
 ONIEL called me in his office and said to me  
 "you dropped The slip on them asshole" I said  
 "what did you say" and he said it again.  
 I told him not to ever ask me something  
 like that again. I said I would never do such  
 A thing to anyone.  
 he said ok. don't tell Sgt Canklin I said That  
 to you, I said ok.

Other inmates heard OFFICER ONIEL say This to  
 me and asked me About it And I feel if  
 they did not know me something real bad could  
 have happen.

I know OFFICER ONIEL do thing like This because  
 he also told me That inmate ELIOT That locks  
 in T-unit set up A inmate



EX (2)

CONSOLIDATED

FCF 35040-12

T.G.R.C.

P.F. Roy Jones OIA 1692

2/10/12

K-Unit

This happened from

1/7/12 to 2/10/12

This complaint is on the fact that the staff in 21, 21A is out to get me or set me up and even as I have heard "kill me" if need be because of (my) my fight in Albany and my other fights in court. I have not had any problems in over two years here, and now the staff feel they can get back to there old ways of status quo of set-up people up, and putting there life in danger just because they can. I also know this is the face card that is playing out here in 21, 21A in Fishkill corr. Fac. As I have informed T.G. of the racism and prejudice to black and latin inmates I now inform you of my fears and the danger to my life by staff in this facility. I was removed from my job at 21A utility because I feel of race I feel and no! I don't want the job back because I will not put myself in anymore danger then I'm in already. I don't feel the c/o I was working under is a racist but he has a job and he can't help who he has to work around. These people (staff) is coming at me so fast and hard that I can sleep at night or in the day time, I can't even get legal work done now because I fear the staff will come at me at any time any place. I'm written because my life is in a lot of danger and I feel they will not stop until I'm dead!!



Code 49 - Alleges being set up to Fears for safety

35040-12

2-13-12

"Complaint on STAFF For  
Trying to set me up or trying to have  
me killed if need be.  
HE Ray Jones 4101692  
K-Whit  
2/9/12

This complaint is on The STAFFS  
That's trying to set me up for past complaint.  
I also feel my life is in danger again here  
in Fishkill Corr. Inst. I have not did anything  
wrong to anyone yet I'm being put into fear  
again for my life for no reason.  
on 2/9/12 some utility order told Tels Cio to search  
my cell which they did not find anything because  
I did not have anything to find on 2/9/12 I  
was told not to show up for program which is  
21x21A utility for reason unknown to me.  
I have work utility for over 1 1/2 year and did  
only my job so far me to be told not to show up  
at work should me that the same status quo of  
old is going on in this facility as to (Race) which  
I-A is a problem that may have my life in  
danger from STAFF.

I'm Afraid to leave my cell or go out the door  
because my life or freedom is in danger.  
All I do is some STAFF here in this 21, 21A is trying  
to have me killed or set up.

I have write and talk to my lawyers and family about  
this and they have called Albany and I have write  
the inspection council office at Bldg 2, State campus

Albany, N.Y. 12226-2050

Action needed:

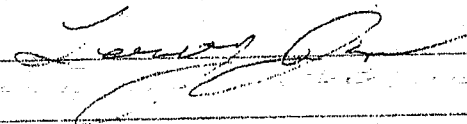
Protection from STAFF and not to be set up again

FOI 35040-12

CIA Official is putting Inmate's life in danger  
And one time he said The house K-unit That  
what ever he do Sgt Cafield and The LIT will  
back him up, so I have a fear of All these  
people.

Sgt Oakline in 21A Bldg can say what is going  
on but I feel he know and will not  
do anything to stop it because this or these  
are his officers that's setting inmates and  
myself up.

This is there doing The same old status quo.



35428-12

I.G.R.C.

Larry Jones  
7/12/12OP-3101F  
FAR FAR

my wife had P.C. Before Officer Kill me

This complaint is for the lack of care for my safety here in this facility, "FISHKILL CORRECTIONAL FACILITY". It seems to me that the old status qua is still playing it's self out when it comes to the safety of myself and "other inmates", I am not a rule maker and I don't wish to be in anyway, but the life I have is the only one I have and to let people that has a job to look over me and to make sure I'm safe 24/7 are the ones that I fear most of all in here.

I write a complaint and the officer[s] gets it and sets me up or have someother officer[s] to do it, what am I to do?, Let me say this if I name all the names of officer that I fear for my safety around up here on A-west I would be beat up and more so killed, but I have informed everyone that I know of this and this is because I know you people will let me get killed in here if I don't say something to the out side about this. On this date 7/12/12 I was asked by the officer, why did I put his name into my complaint, I really didn't say anything and walked away.

I know that I will be set up after this because officer[s] do things like this but don't like to get complaints put in on them, but this is the only way I can let it be known that these officers will kill someone, and I know this to be true because it just happen to one of my friends in the city facility.

I have heard that the officers here was going to get me some kind of way.

I don't know who the officer[s] is by this is me letting you no my life and safety is in danger one because I have filed a complaint. I have informed once again my lawyers, family, and albany at 1220 Washington av The harriman state campus-building-2

action needed :

Larry Jones

To be safe and moved out of this facility before I'm kill or set up.

And for me not to be put under the gun to name names until I am safe, and for eupt. connolly to look into this so this madness can stop.

D16- need to move from this unit.

49440 - RETALIATION &  
RACIAL SLUR

7-13-12  
To I.G.R.C.

this complaint is on the retaliation against me once I filed a complaint on the officer[s] here on A-west about there threats to my life. I wrote to supt. mr. connolly and told him and he sent a Lt. to talk with me about the problem and a day later the officer canfield ask me why in the hell did I write a complaint on him, I didn't answer him for even more fear of my life.

I went to school the that after noon and when I got back the officer on the afternoon shift whom they call "tattoo" asked me why did I write him and officer canfield up telling them about what is going on here in A-west. he then told me I will feel why ass hole niggers should nave write up any officers in fishkill. As always when officers do something wrong I cc: copsy to my lawyer, family, and Albany.

Action need *[Signature]*

for me to be put in protection from these officer because they have made it clear they will kill me.

div. 4040 states clear that no reprisals should come to me or anyone that files a complaint for an officer wrong doing.

I need the supt. to look into this matter him safe before they kill me and try to cover it up.

*need P.C. New*

EX(2)  
182  
CONSOLIDATED

FCF-35040-12

This complaint is on officers  
 ONIEL and his friends officers  
 That's trying to kill me or set me up.

LE Roy Jones OIA 1692  
 K-unit  
 2/15/2012

on 2/9/2012 Two inmates  
 was search here on K-unit by officer ONIEL and  
 some other officer. when the two inmates came  
 back from taken pictures officer ONIEL told them  
 that they was being search because someone dropped  
 a slip on them saying they was selling drugs.  
 Then as the inmates told me this writer, officer  
 ONIEL told them that Jones drop the slip on you  
 saying you both are selling drugs.

The inmate are not lying because officer  
 ONIEL called me in his officer and said to me  
 "you dropped this slip on them asshole" I said  
 "what did you say" and he said it again.  
 I told him not to ever ask me something  
 like that again. I said I would never do such  
 a thing to anyone.

he said ok. don't tell Sgt Canklin I said this  
 to you, I said ok.

other inmates heard officer ONIEL say this to  
 me and asked me about it and I feel if  
 they did not know me something real bad could  
 have happen.

I know officer ONIEL do thing like this because  
 he also told me that inmate ERIT that looks  
 in T-unit set up a inmate



2 OF 2

I told The Inmate on I-unit and he has let his Family know.  
 my Family send me ~~more~~ mail all the time and I have not been getting it when Daniel is working.

Officer Daniel is working I-unit and I fear that he will try to have me killed or set-up real bad.

I'm asking for help from The Supt. and Albany I.G. to stop this CIA from killing me or some other inmate, I need protection from this office and his Sgt, and LT Friends and his girl friend that's a officers as well.  
 none of them other people have done anything that I seen but I have been told that the Sgt and LT's is behind him 100%

x James Jones

### ACTIONS needed

- 1) protection from officer Daniel and his Sgt, LT, girl friend and the other officers that's willing to take the fall for him
- 2) For men of the officers to come after me or kill me or set me up because of this complaint
- 3) For Dir 4040 Be RT here to by all these officers and let it be understood that they all will be held liable under U.S.C § 1983 if me or my family if I'm harmed or set-up or killed.

EX (2)

CONSOLIDATED

FCF 35040-12

T.G.R.C.

P.F. Roy Jones OIA 1692

This happened from

2/10/12

K-UNIT

17/12 To 2/10/12

This complaint is on the fact that

The staff in 21, 21A is out to get me or  
 set me up and even as I have heard "kill me"  
 if need be because of (one) my fight in Albany  
 and my other fights in court.

I have not had any problems in over two years  
 here, and now the staff feel they can get back  
 to their old ways of status quo of set-up people  
 up, and putting their life in danger just because they can.

I also know this is the face card that is playing out  
 here in 21, 21A in Fishkill corr. fac. as I have  
 informed T.G. of the racism and prejudice to black

and Latin inmates I now inform you of my fears  
 and the danger to my life by staff in this facility.

I was removed from my job at 21A utility because  
 I feel of race I feel and no! I don't want the job  
 back because I will not put myself in anymore  
 danger than I'm in already.

I don't feel the c.o. I was working under is a  
 racist but he has a job and he can't help who he  
 has to work around.

These people (staff) is coming at me so fast and  
 hard that I can sleep at night or in the day  
 time, I can't even get legal work done now  
 because I fear the staff will come at me at

any time any place. I'm written because my life  
 is in a lot of danger and I feel they will  
 not stop until I'm dead!!

C.O. ONeal" has told other inmates that they were sleeping on them and said the slip said these guys was selling drugs. This CIO has put my life in danger if I didn't see these people and they didn't see me. Sgt. Cokking in 21A Bldg. removed me from utility because he said my cell was search so I can't work in utility. This sound like a set up also.

I need protection from these people and this is not the first time I'm saying this so I have to get people from the outside into this because I'll be dead if I don't.

The Supt. usually has been informed all parts in Albany has been informed and my lawyers and family have been informed, as part of the state police.

I really don't trust anyone here not the Sgt. Lt. or capt. because I don't know who will hit first or second.

The Sgt. here in 21A is not trying to let me know what's going on and why they are out to get me so I feel they all are part of the plan to take my life away.

I know they will get me and try to cover it up like I have seen them do so many times before so I'm letting it be known what's going on. This letter complain is being cc'd to Albany Inspector General, Bldg. 2, State campus, Albany, N.Y., 12226-2851 along with other party of Civil Rights equal protection program. > page (3) on back

35040-12

#### Actions Needed:

Protection from the staff here in Fishkill Corr. Fac. and from all the office, Sgt. Lt. capt. and S.A. on in the facility and in 21, 21A(2) for no one to set me up or kill me, (3) for all staff to adhere to D.C. and not set me up because the complainant. (4) not to be harmed.

Code 49 - Alleges being set up & fears for safety

35040-12

2-13-12

"Complaint on STAFF For  
Trying to set me up or trying to have  
me killed if need be.  
K-Whit  
2/8/12  
Lt. Ray Jones 41A1692

This complaint is on The STAFFS  
That's trying to set me up for past complaint.  
I also feel my life is in danger again here  
in Fishkill Cor. Fac. I have not did anything  
wrong to anyone yet I'm being put into fear  
again for my life for no reason.  
on 2/8/12 some utility order told Tula Cio to search  
my cell which they did not find anything because  
I did not have anything to find. on 2/9/12 I  
was told not to show up for program which is  
21x21A utility for reason unknown to me.  
I have work utility for over 12 years and did  
only my job so far me to be told not to show up  
at work should me that the same status quo of  
old is going on in this facility as to (Race) which  
I do is a problem that may have my life in  
danger from STAFF.

I'm afraid to leave my cell or go out the door  
because my life or freedom is in danger.  
All I do is some STAFF here in this 21, 21A is trying  
to have me killed or set up.

I have write and talk to my lawyers and family about  
this and they have called Albany, and I have write  
the inspection central office at Bldg 2, state campus

Albany, NY 12226-2450

Action needed:

Protection from STAFF and not to be set up any more



FCF- 35040-12

CIA ONeal is putting Tamar's life in danger  
and one time he said The house K-unit That  
what ever he do Sgt Cafield and The LTS will  
back him up, so I have A Fear of All These  
People.

Sgt Makline in 21A Bldg can say what is going  
on but I feel he know and will not  
do anything to stop it because This or These  
are his officers That's setting Tamar's and  
myself up.

This is there doing The same old status quo.

